

## REMARKS

Claims 1-21 are currently pending in the application. Claims 1 and 17 have been amended. Applicants respectfully request reconsideration of the pending claims in view of the following remarks.

### Claim Rejections - 35 U.S.C. § 102

The Examiner rejected Claims 1-21 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,931,822 ("Bemis").

Bemis does not disclose the subject matter of amended independent Claim 1. Specifically, Bemis does not disclose a medical device for draining a liner-type suction canister, the device including a support member directly connected to the swingarm for supporting the liner-type suction canister, the swingarm movable between a first position and a second position.

Rather, Bemis discloses a cleaning station 400 for draining and cleaning a suction canister 14. The station 400 includes support posts 456, 460 and a holding bracket 464 on each of the support posts 456, 460. The station 400 further includes a housing 484, 488 vertically moveable relative to the support posts 456, 460. The holding bracket 464 is on the support posts 456, 460 and is not coupled to any part of the housing 484, 488. Therefore, the station 400 does not include a support member directly connected to the swingarm.

The Examiner indicates on page 2 of the present Office action that "it is noted that 'connect' is defined as 'to place or establish in relationship.' The support member of Bemis is placed directly against the swingarm when the swingarm is in the lowered position, as shown in figure 16. The limitations of the present claim do not require the swingarm and support member to be attached together, and therefore Bemis fulfills the limitations of the present claims."

The Examiner further indicates on page 2-3 of the present Office action that "in response to the applicant's argument that Bemis does not disclose the swingarm having thereon a support member, or including a support member, it is noted that the support member of Bemis is in direct contact with the swingarm when the swingarm is in the lowered position, as shown in figure 16. Since the present claims merely require the swingarm to include or have thereon the support member, and do not claim a direct connection between the swingarm and the support member, the temporary connection between the swingarm and the support member of Bemis fulfills the limitations of the claims."

Applicants respectfully disagree with the Examiner's statement that "the limitations of the present claim do not require the swingarm and support member to be attached together." In

addition, Applicants disagree with the Examiner's definition of "connect." Applicant has used the word "connected" in Claim 1. Connected is defined as and understood to mean "united, joined, or linked." <http://www.dictionary.com>. Connected is also defined as "joined or linked together." <http://www.merriam-webster.com>. Therefore, as claimed, the swingarm and the support member are joined or linked together. Furthermore, Claim 1 indicates that the swingarm and the support member are "directly connected" to further emphasize the linkage between these two elements. And, because the swingarm and the support member are "directly connected," the support member is also "directly connected" to the swingarm when the swingarm is in both the first position and the second position.

As noted above, the holding bracket 464 of Bemis is on the support posts 456, 460 and is not directly connected to any part of the housing 484, 488. Therefore, the station 400 does not include a support member directly connected to the swingarm. The holding bracket 464 only temporarily contacts the housing 484, 488 when the housing 484, 488 is in the lowered position. The holding bracket 464 is in no way united, joined, or linked to the housing 484, 488.

For at least these reasons, Bemis does not disclose the subject matter of independent Claim 1. Accordingly, Claim 1 is allowable. Claims 2-13 depend from Claim 1, and are allowable for at least the reasons Claim 1 is allowable. Claims 2-13 may include additional patentable subject matter for reasons not discussed herein.

Bemis does not disclose the subject matter of independent Claim 14. Specifically, Bemis does not disclose a medical device for draining the fluid contained in a liner-type suction canister, the device including a swingarm having thereon a support member adapted to support the liner-type suction canister, the swingarm moveable between a first and a second position.

The station 400 of Bemis does not include a support member on the swingarm. Thus, as claimed, any movement that the swingarm makes, the support member also makes because it is on the swingarm. Rather, in Bemis, the holding bracket 464 only temporarily contacts the housing 484, 488 when the housing 484, 488 is in the lowered position. The holding bracket 464 does not move with the housing 484, 488.

Accordingly, independent Claim 14 is allowable. Claims 15-16 depend from Claim 14, and are allowable for at least the reasons Claim 14 is allowable. Claims 15-16 may include additional patentable subject matter for reasons not discussed herein.

Bemis does not disclose the subject matter of amended independent Claim 17. Specifically, Bemis does not disclose a medical device for draining fluid contained in a liner-type

suction canister, the device including a swingarm pivotably coupled to the housing, the swingarm movable between a first position and a second position, the swingarm including a support member adapted to support the liner-type suction canister and a drainhead having therein a passageway, the drainhead adapted to engage the cover of the liner-type suction canister to permit fluid to drain from the liner-type suction canister through the drainhead to the housing.

Rather, the housing 484, 488 of Bemis can only move up and down. There is no indication that the housing 484, 488 of Bemis can pivot with respect to the support posts 456, 460.

Accordingly, independent Claim 17 is allowable.

Bemis does not disclose the subject matter of independent Claim 18. Specifically, Bemis does not disclose a method for draining a liner-type suction canister filled with fluid, the method comprising the acts of placing the liner-type suction canister on a swingarm of a drainage device and rotating the swingarm with the liner-type suction canister thereon.

The station 400 of Bemis does not include a swingarm upon which the suction canister is positioned nor a swingarm that rotates. The housing 484, 488 of Bemis can only move up and down.

Accordingly, independent Claim 18 is allowable.

Bemis does not disclose the subject matter of independent Claim 19. Specifically, Bemis does not disclose a method for draining a liner-type suction canister filled with fluid, the method comprising the acts of placing the liner-type suction canister on a swingarm of a drainage device and rotating the swingarm with the liner-type suction canister thereon.

The station 400 of Bemis does not include a swingarm upon which the suction canister is positioned nor a swingarm that rotates. The housing 484, 488 of Bemis can only move up and down.

Accordingly, independent Claim 19 is allowable.

Bemis does not disclose the subject matter of independent Claim 20. Specifically, Bemis does not disclose a method for draining a liner-type suction canister filled with fluid, the method comprising the acts of placing the liner-type suction canister on a swingarm of a drainage device when the swingarm is in a first position and rotating the swingarm from its first position to a second position.

The station 400 of Bemis does not include a swingarm upon which the suction canister is positioned nor a swingarm that rotates. The housing 484, 488 of Bemis can only move up and down.

Accordingly, independent Claim 20 is allowable. Claim 21 depends from Claim 20, and is therefore allowable for at least the reasons Claim 20 is allowable. Claim 21 may include additional patentable subject matter for reasons not discussed herein.

**CONCLUSION**

In view of the foregoing, entry of this Amendment and allowance of the pending claims are respectfully requested. The undersigned is available for telephone consultation during normal business hours.

Respectfully submitted,

/julie a. haut/

Julie A. Haut  
Reg. No. 51,789

Docket No. 015005-9450-00  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Suite 3300  
Milwaukee, Wisconsin 53202-4108  
414.271.6560